

REMARKS

Claim 27 is canceled without prejudice, and therefore, claims 14, 15, 17 to 26, and 28 to 30 are currently pending in the present application.

In view of this response, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

With respect to paragraphs one (1) and four (4) of the Office Action, the Information Disclosure Statement filed on February 16, 2005, assertedly did not comply with 37 CFR 1.98(a)(2) because copies or translations of the cited references have not been supplied, except for WO 200121447, DE 100 49 905, and Mason et al., "A Generic Multielement..." (Proceedings of the IEEE, Vol. 86, No. 8, August 1998). However, Applicants note that all of the references cited in the IDS filed February 16, 2005 were cited in the International Search Report of the parent PCT application, and the cited references should have been provided to the USPTO by the International Searching Authority. Nonetheless, and to facilitate matters, submitted herewith are copies of the cited references. As to the translation requirement, it is satisfied by the submission of the International Search Report.

Nevertheless, English Abstracts of the German Patents are also being provided as a courtesy. It is therefore respectfully requested that these references be considered and made of record.

With respect to paragraph six (6) of the Office Action, claims 14, 15, and 17 to 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mason et al., "A Generic Multielement Microsystem for Portable Wireless Applications" (the "Mason" reference), in view of U.S. Patent Application Publication No. 2001/0035816 (the "Beigel" reference).

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 26 has been canceled and claim 14 has been rewritten to provide the features of *the at least one error bit enabling detection and identification of data transmission errors*, and *the at least one status bit enabling recognition of an operating state of the at least one inertial sensor*. Support for these features may be found in the Substitute Specification (e.g., page 1, lines 22 to 31).

Therefore, claim 14, as presented, relates to a control unit, including a housing, a processor, and at least one inertial sensor, in which a data transmission between the processor and the at least one inertial sensor is digital, and in which *the data transmission is configured in such a way that transmitted data has at least one error bit and at least one status bit, the at least one error bit enabling detection and identification of data transmission errors*, and *the at least one status bit enabling recognition of an operating state of the at least one inertial sensor*.

The “Mason” reference does not disclose (or even suggest) all of the features of claim 14, as presented. Indeed, the Office Action admits that the “Mason” reference does not “specifically teach[] the data transmission is configured in such a way that transmitted data has at least one error bit and at least one status bit.” As a result, the “Mason” reference also cannot disclose the features of *the at least one error bit enabling detection and identification of data transmission errors*, and *the at least one status bit enabling recognition of an operating state of the at least one inertial sensor*, as provided for in the context of claim 14, as presented. Therefore, the “Mason” reference plainly does not disclose (or even suggest) all of the features of claim 14, as presented.

In addition, the “Beigel” reference does not disclose (or even suggest) all of the features of claim 14, as presented. The Office Action asserts that the “Beigel” reference discloses, in paragraphs 0039, 0093, and 0113, the features that the data transmission is configured so that transmitted data has at least one error bit and at least one status bit. (Office Action, p. 4). However, the “Beigel” reference merely refers to “error-control bits” in paragraphs 0093 and 0112, and does not further describe this term or its meaning. Significantly, nowhere does the “Beigel” reference disclose that the error-control bit *enables detection and identification of data transmission errors*, as provided for in the context of claim 14, as presented. Thus, the “Beigel” reference does not disclose (or even suggest) the feature of the at least one error bit, as provided for in the context of claim 14, as presented. Further, the “Beigel” reference merely indicates that status data includes data such as “the number of times the tag is interrogated by a reader,” or malfunctions of the tag components.

(Beigel, ¶ 0113). However, the “Beigel” reference does not disclose that the status data *enables recognition of an operating state of the sensor*, such as running sensor test, offset regulation mode, or initializing phase. (Substitute Specification, p. 1, lines 28 to 31). The Office Action asserts that paragraph 0097 of the “Beigel” reference indicates this feature. (Office Action, p. 8). However, the cited section of the “Beigel” reference states only that a microprocessor selects the mode of operation by issuing commands, but does not even refer to the status data. (Beigel, ¶ 0097). Thus, the “Beigel” reference does not disclose (or even suggest) the features of *the at least one error bit enabling detection and identification of data transmission errors*, and *the at least one status bit enabling recognition of an operating state of the at least one inertial sensor*, as provided for in the context of claim 14, as presented.

Accordingly, it is respectfully submitted that claim 14 is allowable since the “Beigel” reference does not cure the critical deficiencies of the “Mason” reference.

Claims 15, 17 to 26, and 28 to 30 depend from claim 14, as presented, and are therefore allowable for essentially the same reasons provided above, since the “Beigel” reference does not cure the critical deficiencies of the “Mason” reference.

Withdrawal of the obviousness rejections is therefore respectfully requested.

In sum, claims 14, 15, 17 to 26, and 28 to 30 are allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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